

REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks presented herein, which are believed to place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 2, 4-9, 12-21, 28, 34, 35, 38 and 41 are pending in this application. Support for the amended claims can be found throughout the specification, and from the claims as originally filed. Particular support for claim 2 can be found, for example, from cancelled claims 1 and 11 and from prior versions of claim 3. The remaining amendments change dependence of the claims and do not affect scope. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

II. THE REJECTIONS UNDER 35 U.S.C. §112, 2ND PARAGRAPH, ARE OVERCOME

Claims 1-10, 13-21, 28, 34-37, 40 and 41 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The rejection is traversed.

A) The Office Action alleges that “V-like domain derived from a non-antibody ligand” is ambiguous. “Derived from” is no longer recited in independent claim 2, and language has been added to specify that the non-antibody ligand is CTLA-4, CD28 or ICOS. This language was formerly in dependent claim 11, which was not included in this rejection; therefore, it is assumed that this aspect of the rejection is overcome.

B) The Examiner is thanked for indicating that the previous rejection of claim 21 based on antecedent basis has been overcome.

C) The Office Action alleges that “at least one modified monomeric non-antibody ligand VLD” is ambiguous and unclear. In the interest of advancing prosecution, “at least one” in claim

2 has been amended to “a”, obviating the rejection on this basis. Applicants wish to make clear, however, that this amendment is not intended to change the scope of the claim or to give rise to any estoppel.

D) Specific support for the claim amendments is discussed in the preceding section.

In view of the foregoing, reconsideration and withdrawal of the rejections under Section 112, second paragraph, are requested.

III. THE REJECTIONS UNDER 35 U.S.C. §112, 1ST PARAGRAPH, ARE OVERCOME

Claims 1-10, 13-21, 28, 34-37 and 40-41 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking adequate written description and enablement. The rejections are traversed.

As stated in the preceding section, claim 2 has been amended to specify that the non-antibody ligand is CTLA-4, CD28 or ICOS. Applicants believe that this should address the Examiner’s concerns regarding the structure of the non-antibody ligand VLDs and the guidance provided for making and using the VLDs. As was stated above, claim 2 now encompasses subject matter that was formerly in dependent claim 11, which was not included in this rejection; therefore, it is assumed that the rejections on this basis are overcome.

A corrected marked-up version of claim 28 is included in this amendment, indicating where “pharmaceutical” was previously recited in the preamble.

Reconsideration and withdrawal of the Section 112, first paragraph, rejections are requested.

IV. THE REJECTIONS UNDER 35 U.S.C. §102 ARE OVERCOME

Claims 1, 7, 10, 11, 13, 20, 21, 28, 34-37, 40 and 41 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Peach *et al.* The rejection is traversed. Claim 1 has been cancelled and the remaining claims have been amended to depend from claim 2, which was not included in this rejection. Therefore, it is assumed that this rejection is overcome.

Claims 1-9, 13, 15, 16, 18, 19, 21, 28, 34-37, 40 and 41 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Koide. The rejection is traversed. Independent claim 2 has been amended to include the limitation of cancelled claim 11, which was not included in this rejection. All of the remaining claims depend either directly or indirectly from claim 2. Therefore, it is assumed that this rejection is overcome.

Claims 1-21, 28 and 34-41 were rejected under 35 U.S.C. §102(f) because the applicant allegedly did not invent the claimed subject matter. The rejection is traversed. Enclosed is a declaration under 37 CFR 1.132, stating each inventor's contribution to the claimed subject matter and attesting to the accuracy of the inventorship as it stands.

In view of the foregoing, reconsideration and withdrawal of the rejections under Section 102 are requested.

V. THE REJECTIONS UNDER 35 U.S.C. §103 ARE OVERCOME

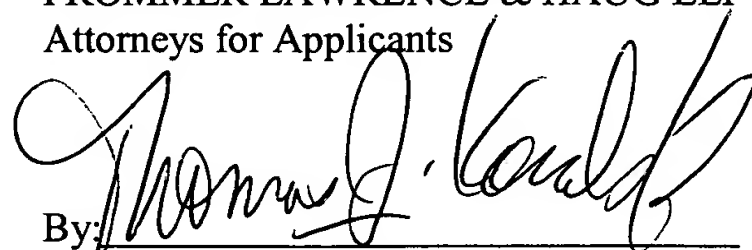
Claims 1, 13 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koide in view of Bogden *et al.* Claims 1 and 15-17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koide in view of Cai *et al.* The rejections are traversed. As discussed above, claim 1 has been cancelled and claim 2 has been amended to incorporate the subject matter of cancelled claim 11. All remaining claims depend from claim 2, either directly or indirectly. In view of these amendments, the rejections under Section 103 are moot, and accordingly, reconsideration and withdrawal are requested.

CONCLUSION

This amendment and remarks place the application in condition for allowance, or at least in better condition for appeal. If, however, there remains any issue outstanding, the Examiner is invited to contact the undersigned for its prompt attention.

Respectfully submitted,

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